

## Article - Public Safety

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§13–802.

(a) There are three types of courts-martial:

- (1) a general court-martial;
- (2) a special court-martial; and
- (3) a summary court-martial.

(b) (1) Except as provided in paragraph (2) of this subsection, a court-martial shall be consistent with a similar court provided for by the laws and regulations governing the United States Army or Air Force regarding:

- (i) jurisdiction;
- (ii) powers, with the exception of punishment;
- (iii) procedures; and
- (iv) composition.

(2) In a case of absence without leave, an offender shall be referred to a summary court officer for trial without first being referred to an investigating officer.

(c) (1) A member of a force organized under this title is in the actual service of the State and is subject to all military laws, orders, and regulations.

(2) A violation of a military law, order, or regulation is an offense against the State and is punishable as provided in this subtitle.

(d) (1) The jurisdiction of a court-martial established under this subtitle is presumed to be correct.

(2) A person alleging lack of jurisdiction in an action or proceeding has the burden of proving lack of jurisdiction.

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